
EPSTEIN BECKER & GREEN, P.C.

ATTORNEYS AT LAW
111 HUNTINGTON AVENUE
26TH FLOOR
BOSTON, MA 02199-7610
617.342.4000
FAX: 617.342.4001
EBGLAW.COM

November 23, 2004

Mr. Karl V. Farmer
30 Sawyer Road
Hampstead, NH 03841

Re: Farmer v. Goldman

Dear Mr. Farmer:

Enclosed please find the following:

1. Notice of Removal;
2. Civil Action Cover Sheet;
3. Notice of Filing Notice of Removal; and
4. November 23, 2004 letter to Rockingham Superior Court clerk's office.

Very truly yours,

MICHAEL R. PONTRELLI

Michael R. Pontrelli

Enclosures (4)

CERTIFIED MAIL/RETURN RECEIPT REQUESTED # 7004 0750 0000 8738 6168

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

KARL V. FARMER,

Plaintiff,

v.

NEAL D. GOLDMAN and
POLAROID CORPORATION,

Defendants.

CIVIL ACTION NO. _____

NOTICE OF REMOVAL

To: The Honorable Judges
of the United States District Court
for the District of New Hampshire

In accordance with 28 U.S.C. §§ 1331, 1332, 1441 & 1446, and with 29 U.S.C. § 1132, Defendants Neal D. Goldman ("Goldman") and Polaroid Corporation (Polaroid") hereby remove to this Court the civil action known as Farmer v. Goldman, Rockingham Dkt. No. 04-C-878 (N.H. Super. Ct.), on the following grounds:

1. On October 8, 2004, Plaintiff Karl V. Farmer ("Farmer") commenced this action in Rockingham Superior Court.

2. On October 26, 2004, Farmer served Polaroid by leaving at the office of its New Hampshire agent for service of process, CT Corporation, a copy of Receipt of Writ of Summons (the "Writ"). A copy of the Writ is attached in accordance with 28 U.S.C. § 1446(a). No other process, pleading, or order has been served on Polaroid.

3 . Goldman received a copy of the Writ from Polaroid on or around November 4, 2004. No process, pleading, or order has been served on Goldman.

4 . This Court has original jurisdiction of the subject matter of this action, as follows:

(a) The Writ alleges that Defendants “fraudulently deceived Polaroid employees,” and that “as the benefits plan administrator Neal Goldman breached his fiduciary responsibility,” which allegedly “caused the loss of” medical and other benefits under employee benefit plans — a claim completely preempted by the Employee Retirement Income Security Act of 1974, 29 U.S.C § 1132 *et seq.*, see Aetna Health, Inc. v. Davila, ____ U.S. ____, 124 S. Ct. 2488 (2004); and (b) Complete diversity exists between Plaintiff and Defendants where Farmer is a citizen of New Hampshire allegedly residing in Hampstead, Goldman is a citizen of Massachusetts residing in Marlborough, and Polaroid a corporation which has been incorporated under the laws of Delaware and has its principal place of business in Massachusetts, and the amount in controversy exceeds \$75,000.

5 . In accordance with 28 U.S.C. § 1446(b), this notice is being filed within thirty days of service of process on Polaroid.

6 . In accordance with 28 U.S.C. § 1446(d), Defendants are simultaneously giving written notice of removal to Farmer and filing a copy of this notice with the clerk of Rockingham Superior Court.

NEAL D. GOLDMAN

By his attorney,

/s/ Russell Beck

Russell Beck, N.H. Bar No. 14362
Epstein Becker & Green, P.C.
111 Huntington Avenue
Boston, Massachusetts 02131
(617) 342-4000

POLAROID CORPORATION

By its attorney,

/s/ Jon Meyer

Jon Meyer, N.H. Bar No. 1744
Backus, Myer, Solomon & Branch, LLP
116 Lowell Street, P.O. Box 516
Manchester, NH 03105
(603) 668-7272

Dated: November 23, 2004

Merrimack County Sheriff's Office

163 North Main St.
Concord, NH 03301
Phone: 603-225-5583

POLAROID CORPORATION
29 SCHOOL ST
CONCORD, NH 03301

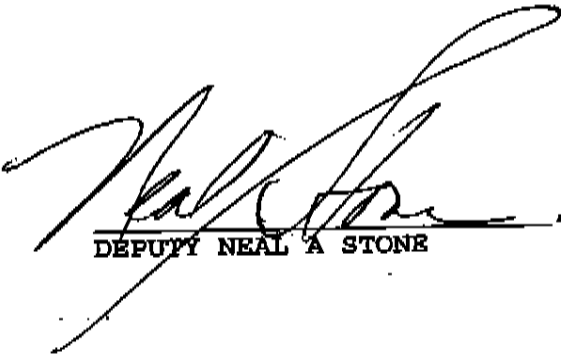
MERRIMACK, SS

DATE: October 26, 2004

I, DEPUTY NEAL A STONE, this day at ^{1205 PM}~~02:00pm~~, summoned the within named defendant POLAROID CORPORATION by leaving at the office of CT Corporation, 29 School Street, Concord, said County and State of New Hampshire, its true and lawful agent for the service of process under and by virtue of Chapter 293-A, NH RSA as amended, a true and attested copy of this RECEIPT OF WRIT.

FEES

Service:	15.00
Misc.:	
Postage	1.00
Travel	0.00
TOTAL:	16.00


DEPUTY NEAL A STONE, Deputy Sheriff

THE STATE OF NEW HAMPSHIRE**ROCKINGHAM, SS.****SUPERIOR COURT****RECEIPT OF WRIT****DATE: October 8, 2004**
DOCKET NUMBER: 04-C-878

Karl V. Farmer

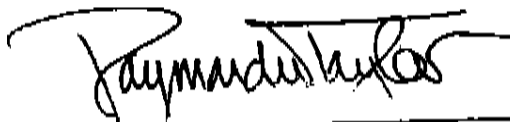
Vs.

Neal D. Goldman
Polaroid Corporation ✓

The writ in the above-captioned matter was filed with the Clerk of this Court on:
October 8, 2004 at 2:52pm.

The plaintiff or his/her attorney is to attach a copy of this receipt to identical copies of the original writ and deliver them to the Sheriff or other legally authorized entity for service on each named defendant. Sufficient copies shall be provided to allow for a service copy for each named defendant and a copy for each officer completing service to complete the return.

The return copies shall be filed with the court in accordance with *Superior Court Rule 3*.

By Order of the Court

Raymond W. Taylor, Clerk of Court
Rockingham Superior Court
P.O. Box 1258
Kingston, N.H. 03848-1258
Tel. (603) 642-5256

RWT/kmd

The State of New Hampshire

ROCKINGHAM COUNTY SUPERIOR COURT
 ROCKINGHAM COUNTY SUPERIOR COURT

"For use only in an action wherein Karl V Farmer is
 2004-061-81-2-52
 are defendants."

WRIT OF SUMMONS

KARL V. FARMER
 30 SAWYER RD.
 HAMPSTEAD, NH 03841

NEAL D. GOLDMAN
 6 CARROLL DR
 WESTBURY, MA 01581

AND
 POLAROID CORPORATION
 754 MEMORIAL DR
 CAMBRIDGE, MA 02139

The Sheriff or Deputy of any County is ordered to summon each defendant to file a written appearance with the
 Superior Court at the address listed below by the return day of this writ which is the first Tuesday of DECEMBER
2004 YEAR MONTH

The PLAINTIFF(S) state(s): BETWEEN JULY 2001 AND OCTOBER 2001 NEAL GOLDMAN AND POLAROID CORPORATION PURPOSELY AND FRAUDULENTLY DECEIVED POLAROID EMPLOYEES, AND AS THE BENEFITS PLAN ADMINISTRATOR NEAL GOLDMAN BREACHED HIS FIDUCIARY RESPONSIBILITY. THE CORPORATE INFORMATION GIVEN AND ANSWERS TO QUESTIONS BY NEAL GOLDMAN AT CORPORATE MEETINGS, THE DECEPTION AND OMISSION OF CORRECTIVE ACTION OR VALID INFORMATION CAUSED THE PLAINTIFF TO MAKE A LIFE CHANGING DECISION THAT CAUSED THE LOSS OF SAVINGS, WAGES, MEDICAL PREMIUMS AND PRESCRIPTION COSTS, TOTAL \$250,000 AND THE PLAINTIFF(S) CLAIM(S) DAMAGES WITHIN THE JURISDICTIONAL LIMITS OF THIS COURT. TRIPLE DAMAGES SHOULD APPLY.

INDORSER (sign and print name)

10/8/04
 DATE OF WRIT

NOTICE TO THE DEFENDANT

The Plaintiff listed above has begun legal action against you. You do not have to physically appear in Court on the return day listed above since there will be no hearing on that day. However, if you intend to contest this matter, you or your attorney must file a written appearance form with the Clerk's Office by that date. (Appearance forms may be obtained from the Clerk's Office.) You will then receive notice from the Court of all proceedings concerning this case. If you fail to file an appearance by the return day, judgment will be entered against you for a sum of money which you will then be obligated to pay.

Witness, Robert J. Lynn, Chief Justice, Superior Court.

Raymond W. Taylor, Clerk
 NH Superior Court Rockingham County
 10 Route 125
 Brentwood, NH

Mailing Address:
 P.O. Box 1258
 Kingston, NH 03848-1258
 (603) 642-5256

SIGNATURE OF PLAINTIFF ATTORNEY

KARL V FARMER

PRINTED/TYPED NAME

30 SAWYER RD

ADDRESS

HAMPSTEAD, NH 03841 / 603 329 1165

PHONE

JS 44 (Rev. 3/89)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS**KARL V. FARMER**

(b) County of Residence of First Listed Plaintiff Rockingham, NH
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

DEFENDANTS**NEAL D. GOLDMAN and POLAROID CORPORATION**

County of Residence of First Listed

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

Russell Beck (for Neal D. Goldman)
Epstein Becker & Green, P.C. (617) 342-4000
111 Huntington Ave. Boston, MA 02199

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☐ 1 ☐ 1 DEF Incorporated or Principal Place of Business in This State ☐ 4 ☐ 4 DEF
- Citizen of Another State ☐ 2 ☐ 2 DEF Incorporated and Principal Place of Business in Another State ☐ 5 ☐ 5 DEF
- Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 DEF Foreign Nation ☐ 6 ☐ 6 DEF

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of <input type="checkbox"/> 160 Medicare Act <input type="checkbox"/> 170 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 180 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 190 Stockholders' Suits <input type="checkbox"/> 200 Other Contract <input type="checkbox"/> 210 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 510 Selective Service <input type="checkbox"/> 550 Securities/Commodities/Exchange <input type="checkbox"/> 575 Customer Challenge 12 USC 3410 <input type="checkbox"/> 591 Agricultural Acts <input type="checkbox"/> 592 Economic Stabilization Act <input type="checkbox"/> 593 Environmental Matters <input type="checkbox"/> 594 Energy Allocation Act <input type="checkbox"/> 595 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 990 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input checked="" type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (13 USC) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIW C/DIW W (405 (g)) <input type="checkbox"/> 864 SSD Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

29 U.S.C. sec. 1132 (claim for employee benefits)

VII. REQUESTED IN COMPLAINT: ☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ 250,000.00 CHECK YES only if demanded in complaint: JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE
E

DOCKET NUMBER

DATE 11/22/04 SIGNATURE OF ATTORNEY OF RECORD /s/ Russell Beck

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

THE STATE OF NEW HAMPSHIRE

ROCKINGHAM, SS.

SUPERIOR COURT

DOCKET NUMBER: 04-C-878

KARL V. FARMER,

Plaintiff,

v.

NEAL D. GOLDMAN and
POLAROID CORPORATION,Defendants.

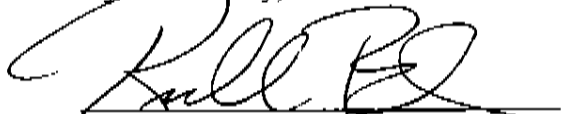
NOTICE OF FILING NOTICE OF REMOVAL

To: Civil Clerk of Court
New Hampshire Superior Court, Rockingham County
10 Route 125
Brentwood, NH 03833-6202

Notice is hereby given, in accordance with 28 U.S.C. § 1446(d), that the Defendants Neal D. Goldman and Polaroid Corporation have removed this action to the United States District Court for the District of New Hampshire. A copy of the Notice of Removal is attached.

NEAL D. GOLDMAN

By his attorney,

A handwritten signature in black ink, appearing to read "Russell Beck", written over a horizontal line.

Russell Beck, N.H. Bar No. 14362

Epstein Becker & Green, P.C.

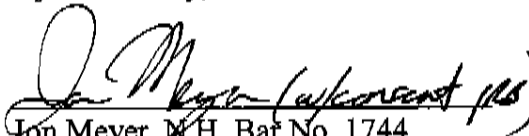
111 Huntington Avenue

Boston, Massachusetts 02131

(617) 342-4000

POLAROID CORPORATION

By its attorney,

A handwritten signature in black ink, appearing to read "Jon Meyer (after consent 1/15)", written over a horizontal line.

Jon Meyer, N.H. Bar No. 1744

Backus, Myer, Solomon & Branch, LLP

116 Lowell Street, P.O. Box 516

Manchester, NH 03105

(603) 668-7272

Dated: November 23, 2004

EPSTEIN BECKER & GREEN, P.C.

ATTORNEYS AT LAW

111 HUNTINGTON AVENUE

26TH FLOOR

BOSTON, MA 02199-7610

617.342.4000

FAX: 617.342.4001

EBGLAW.COM

November 23, 2004

OVERNIGHT DELIVERY

Civil Clerk's Office
Rockingham Superior Court
10 Route 125
Brentwood, NH 03833-6202

Re: Farmer v. Goldman,
Docket. No. 04-C-878

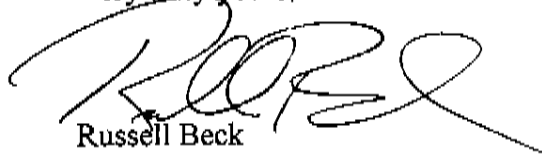
Dear Sir or Madam:

I enclose for filing in connection with this action a Notice of Filing Notice of Removal.

In connection with the removal of this matter, please provide us with a certified copy of all existing pleadings and docket entries in this case to date, including the enclosed notice. Please advise me of any costs incurred in processing this request and payment will be made immediately.

Thank you for your cooperation.

Very truly yours,


Russell Beck

Enclosure

cc: Jeffrey Pyle, Esq. (w/encl.)
Karl V. Farmer (w/encl.)

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NEWARK • NEW YORK • SAN FRANCISCO • STAMFORD • WASHINGTON, D.C.

EPSTEIN BECKER GREEN WICKLIFF & HALL, P.C. IN TEXAS ONLY

BO:137326v1